



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/537,071	03/28/00	MAILLARD	M 11345/009001

022511
ROSENTHAL & OSHA LLP
SUITE 4550
700 LOUISIANA
HOUSTON TX 77002

TM02/1108

EXAMINER

PEESO, T

ART UNIT

PAPER NUMBER

2132

DATE MAILED:

11/08/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/537,071

Applicant(s)

MAILLARD ET AL.

Examiner

Thomas R. Peeso

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-17, 19-21, 24-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 2-14, 17, 19-21 and 24-26 is/are rejected.
- 7) ☐ Claim(s) 15, 16 is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☒ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Claims 1, 18, 22 and 23 have been cancelled in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 24 and 26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U. S. Patent No. 5,774,548 to Bando et al.

As per claims 24 and 26, Bando et al. disclose these features (see at least the abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-14, 17, 19-21, 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bando et al. in view of publication entitled "Applied Cryptography" by Schneier and the examiner's taking official notice.

As per claims 2-5, 14, 17 and 25, Bando et al. do not specifically disclose these limitations. It is well known in the art of data encryption and decryption to employ the use of a key for the purpose of encrypting and decrypting data for transmission. It would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have used a key and the various components of these claims to encrypt and decrypt data in this manner since they comprise the very essence of a typical system involved in data transmission between network nodes.

As per claims 6-10, Bando et al. do not specifically disclose this feature. Schneier, however, does disclose use of a random number relating to an encryption key (pg. 398, section marked A to pg. 399, section marked A). It would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have included this feature in the system of Bando et al. since it provides a high level of security involving the encryption process of transmitted data.

As per claim 11, Bando et al. do not specifically disclose these features. It is known in the art to make a key unique to a particular component. It would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have used this setup in the system of Bando et al. since it eliminates to a large degree the possibility of duplicating the key.

As per claims 12 and 13, Bando et al. do not disclose these limitations. Schneier, however, does address these features (pg. 176, section marked A).

Art Unit: 2132

As per claims 19-21, Bando et al. do not specifically disclose these features. It is well known to apply these principles to the mentioned media types herein. It would have been obvious to anyone having an ordinary level of skill in the art at the time the invention was made to have included these features in the system of Bando et al. since data transmitted in this manner would be afforded a considerable amount of security which may be necessary to maintain the integrity of the information.

Allowable Subject Matter

Claims 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,061,451 to Muratani et al. discloses Apparatus and Method for Receiving and Decrypting Encrypted Data and Protecting Decrypted Data from Illegal Use.

U.S. Patent No. 5,406,627 to Thompson et al. discloses Digital Data Cryptographic System.

U.S. Patent No. 5,185,794 to Thompson et al. discloses System and Method for Scrambling and/or Descrambling a Video Signal.


Art Unit: 2132

Any inquiry concerning this communication from the examiner should be directed]to Mr. Thomas Peeso whose telephone number is (703) 305-9784 . The examiner can normally be reached Monday-Thursday and alternate Fridays from 7:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tod Swann, can be reached at (703) 308-7791.

The fax number for Technology Center 2100 is (703) 308-1396.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.



Thomas Peeso
Primary Examiner
Art Unit 2132
1 Nov 00